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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,080	10/12/2001	Gerald R. Black	60,512-003	1167
7590	01/25/2005		EXAMINER	
James R. Yee Howard & Howard Attorneys, P.C. The Pinehurst Office Center 39400 Woodward Avenue, Suite # 101 Bloomfield Hills, MI 48304-5151			DANG, DUY M	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,080

Applicant(s)

BLACK, GERALD R.

Examiner

Duy M Dang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-51 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 20-26, 28-37 and 39-51 is/are rejected.
- 7) ☒ Claim(s) 27 and 37 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/20/01 and 4/19/</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Applicant's election without traverse of Group II invention (claims 20-51) in the reply filed on 9/16/04 is acknowledged.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 20-22, 28-31, 33, 38-42, and 46-50 are rejected under 35 U.S.C. 102(a) as being anticipated by Grippi [US Pat. No. 5,103,486. Art of record, IDS filed 12/20/01].

Regarding claim 20, Grippi teaches a stylus for use as an identity verification device [see hand held writing device 10 of figures 1-3 and 5], the stylus being coupled to a processor [see verification system 66 of figure 5 comprises a microprocessor according to col. 6 lines 36-41] comprising: a stylus body [see shell 12 of figures 1-3]; and a sensor coupled to the stylus body [see detection circuit 24 shown in figures 2 and 4 and mentioned in col. 5 lines 44-46], the sensor being adapted to capture a thumbprint of a user finger touches the sensor coupled to the stylus body [see detection circuit 24 mentioned in col. 5 lines 44-46 for capturing image of a human finger].

Regarding claims 21, 30, 41 and 49, Grippi further teaches wherein the sensor is coupled to the processor, the processor being adapted to compare the captured thumbprint with a reference thumbprint to confirm user identity [see col. 6, lines 25-41].

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Regarding claims 22 , 31, 42 and 50, Grippi further teaches the processor being adapted to compare the captured thumbprint with a plurality of reference thumbprints in search of a match [see CPU 86 mentioned in col. 6 lines 44 to col. 7 line 27].

Regarding claims 28, 38 and 46, Grippi further teaches a second sensor being adapted to capture a second print [see 98 of figure 6 and col. 7 lines 3-27].

Regarding claim 29, Grippi teaches an identity verification device [see 66 of figure 5], comprising: a stylus having a body [see 10 of figure 5]; a sensor coupled to the body, the sensor being adapted to capture a thumbprint of a user as a user thumb touches the stylus body [see detection circuit 24 mentioned in col. 5 lines 44-46 for capturing image of a human finger]; a memory device for storing at least one reference print [see col. 6 lines 27-31]; and a processor coupled to the sensor and the memory device, the processor being adapted to receive the captured thumbprint, the processor being adapted to compare the captured thumbprint with the at least one reference print [see col. 6 lines 25-41].

Regarding claim 33, Grippi further teaches wherein the processor is contained within an external system and wherein the stylus is digital communication with the external system [see 66 of figure 5].

Regarding claims 39 and 47, Grippi further teaches wherein the stylus is a pen and includes an ink tube [see col. 5 line 37].

Regarding claims 40 and 48, these claims are also rejected for the same reasons as set forth in claim 29 above.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 23-26, 32, 34-36, 43-45, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grippi [US Pat. No. 5,103,486. Art of record, IDS filed 12/20/01].

The advanced statement with regard to Grippi above are incorporated herein. Grippi fails to teach the features of: the processor is contained within the stylus body as required by claim 23, the sensor is a digital sensor as required by claim 24, a memory device coupled to the sensor for storing the captured thumbprint as required by claim 25, wherein the sensor is adapted to capture a second print as required by claim 26. However, such features are well known in the art (Office Notice). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the conventional features with Grippi because by including such features would greatly enhance.

Regarding claims 32, 34-36, 43-44, 45, and 51, these claims are also rejected for the same reasons as set forth in claims 23-26 above.

6. Claims 27 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M Dang whose telephone number is 703-305-1464. The examiner can normally be reached on Monday to Friday from 5:30AM to 2:00PM..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on 703-305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dmd
1/14/05

A handwritten signature in black ink, appearing to read "Duy M. Dang", with a stylized, flowing script.

Duy M. Dang
Patent Examiner